

## **EXHIBIT W**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
ANTHONY MANGANELLO,

Plaintiff,

-against-

Index No.

07 Civ. 3644(HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,  
individually and as a New York City Police  
Detective, SHAWN ABATE, individually and as a  
New York City Police Detective, DEREK PARKER,  
individually and as a New York City Police  
Detective, LT. HENRY SCOTT, individually and as a  
New York City Police Lieutenant, P.O. ALEX PEREZ,  
individually and as a New York City Police  
officer, P.O. MIRIAN NIEVES, individually and as  
a New York City Police officer, MICHAEL PHIPPS,  
individually and as a the Commanding Officer of  
the 43rd Precinct, JOHN McGOVERN, individually  
and as a New York City Police Detective Sergeant,  
ROBERT MARTINEZ, individually and as a New York  
City Police Detective, GERYL McCARTHY,  
individually and as a New York City Police  
Deputy Inspector,

Defendants.

- - - - - X  
December 19, 2007

10:17 a.m.

DEPOSITION OF DETECTIVE RICHARD MARTINEZ



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DETECTIVE RICHARD MARTINEZ

29

1 A. Detective Agostini.

2 Q. Did you ever testify before a grand  
3 jury that indicted Mr. Manganiello?

4 A. I was thinking about that. Nothing  
5 to my recollection. I don't think I -- no. Not  
6 to my recollection that I testified.

7 Q. Did you ever speak with Christine,  
8 A.D.A Christine Sacca, concerning the  
9 investigation into the murder of Albert Acosta?

10 A. Again, not to -- yeah, no. Not to  
11 my recollection, no.

12 Q. Let me direct your attention back to  
13 the day of Mr. Acosta's murder.

14 A. Uh-huh.

15 Q. On February 12th, 2001, did you have  
16 a memo book?

17 A. No.

18 Q. Did you have any kind of book which  
19 you used to keep notes?

20 A. Yes.

21 Q. What did you have?

22 A. It's just a spiral pad.

23 Q. Okay. And what kind of information  
24 did you put in that spiral pad on February 12th,

1       with the Verizon employee, did the Verizon  
2       employee tell you that he wore an earpiece?

3           A.     Yes.

4           Q.     Drawing your attention to  
5       Plaintiff's Exhibit 6, which is the DD-5  
6       concerning your interview with Police Officer  
7       Ortiz. According to this DD-5, did either Police  
8       officer Ortiz or Rodriguez tell you what time  
9       they responded to Apartment 5E?

10          A.     No.

11          Q.     Did either of them tell you what  
12       time they left Apartment 5E?

13          A.     No.

14          Q.     Did they tell you what time Mr.  
15       Manganiello left Apartment 5E?

16          A.     No.

17          Q.     Okay. Now, Detective Martinez, did  
18       you fabricate any statements or evidence in your  
19       investigation of the homicide?

20          A.     No.

21          Q.     Did you withhold any information  
22       concerning the investigation from the District  
23       Attorney's Office?

24          A.     No.

DETECTIVE RICHARD MARTINEZ

1 Q. Did you falsify any information 103  
2 about the homicide of Albert Acosta? 1

3 A. No. 2

4 Q. Did you coerce any witness to 3  
5 testify against Mr. Manganiello? 4

6 A. No. 5

7 Q. Did you coerce any witness to make a 6  
8 statement in this case? 7

9 A. No. 8

10 Q. Did you threaten any witness to 9  
11 testify against Mr. Manganiello? 10

12 A. No. 11

13 Q. Did you threaten any witness to make 12  
14 a statement? 13

15 A. No. 14

16 Q. okay. 15

17 MS. FROMMER: I'm done. 16

18 MR. JOSEPH: Some follow-ups. 17

19 MS. FROMMER: Sure. 18

20 FURTHER EXAMINATION BY 20  
21 MR. JOSEPH: 21

22 Q. Sir, the Verizon individual, did he 22  
23 have an earpiece in one ear or both ears? 23

113  
13 114

C E R T I F I C A T I O N

STATE OF NEW YORK )

) ss.

COUNTY OF PUTNAM )

I, RAYMOND ROGENER, JR., Court  
Reporter and Notary Public within and for the  
County of Putnam, State of New York, do hereby  
certify:

That I reported the proceedings that  
are hereinbefore set forth, and that such  
transcript is a true and accurate record of said  
proceedings.

AND, I further certify that I am not  
related to any of the parties to this action by  
blood or marriage, and that I am in no way  
interested in the outcome of this matter.

18

IN WITNESS WHEREOF, I have hereunto  
set my hand.

  
RAYMOND ROGENER, JR.

21  
22  
23  
24 Court Reporter